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Generally such statutes are regarded as mere police regulations, in no way altering the rule requiring reasonable care. *Whelan v. New York, etc. R. R. Co.*, 38 Fed. Rep. 15 (Cir. Ct., Ohio); *Flynn v. Canton Co.*, 40 Md. 312. Accordingly, a disregard of them is not considered sufficient proof of negligence without showing its relation to the injury as the proximate cause. *Chrystal v. Troy & Boston R. R. Co.*, 124 New York. 519. And in opposition to the principal case, the general rule is that their observance will not excuse if the circumstances demand greater care. *Bradley v. Boston & Maine R. R.*, 56 Mass. 539; *Calhoun v. Gulf etc. R. R. Co.*, 84 Tex. 226. The latter must be conceded to be the better view. The purpose of these statutes is to add to the safeguards of the public by defining the minimum of care required, rather than to detract from them by lessening the amount of care necessary in some cases. The principal case, however, is not without support. *New York, etc. R. R. Co. v. Leaman*, 54 N. J. Law, 202; *Chicago etc. R. R. Co. v. Dougherty*, 110 Ill. 521.

TORTS—NITRO-GLYCERINE—ABSOLUTE LIABILITY.—An explosion of nitro-glycerine in the defendant's magazine, which occurred in spite of the exercise of due care, injured the plaintiff's building, distant more than a mile. Held, that the plaintiff can recover. *Bradford Glycerine Co. v. St. Mary's Woolen Mfg. Co.*, 54 N. E. Rep. 528 (Ohio).

Authority is almost unanimous in only imposing an absolute liability on those keeping dangerous explosives, when, by reason of the location and surrounding circumstances, the magazine is a nuisance either public or private. *Heeg v. Licht*, 80 N. Y. 579; *McAndrews v. Collierd*, 42 N. J. Law, 189; *Laftin, etc. Powder Co. v. Tearney*, 131 Ill. 322. Such a magazine is a nuisance if the circumstances are such as to make it a reasonable cause of fear to persons living in the vicinity, *Weir's Appeal*, 74 Pa. St. 230, unless, perhaps, "the location is such as to endanger as few persons and as little property as possible, and yet be reasonably accessible as a point of supply and distribution." *Ditworth's Appeal*, 91 Pa. St. 250. The principal case goes beyond these decisions and imposes on the owner an absolute liability under all circumstances. Such a view is clearly open to the objection that it imposes too severe a penalty upon the conduct of a business which is necessary and beneficial to the public.

REVIEWS.

A TREATISE ON THE LAW OF BANKRUPTCY. By John Lowell and James Arnold Lowell. Boston: Little, Brown, & Co. 1899. pp. cxxxi, 786.

The senior collaborator in this book, first as Judge of the District Court of Massachusetts, and afterwards as Circuit Judge, was charged with the duty of expounding frequently the Bankruptcy Act of 1867 during the entire period which it was in force; and he fairly earned a right to the title of the ablest and clearest judge in bankruptcy matters who ever sat upon the bench in this country. If one may decide from judicial opinions, he was almost alone among our judges in having a thorough and systematic knowledge of English bankruptcy law as a foundation for construing the American statutes, and to this knowledge was added great clearness of thought and of statement.

It is a matter for sincere congratulation that such a man should have embodied the results of his long consideration of bankruptcy law in a treatise. The book consists of two parts, the first by Judge Lowell on bankruptcy law in general, the second by his son, James A. Lowell, on the Bankruptcy Act of 1898. As the first part was written before the latter act was passed, it necessarily discusses the application of bankruptcy law to earlier acts, and the statements of law made in this part are sometimes contrary to the provisions of the present act. Where this is so the junior author has generally called attention to the fact in a note in

brackets. The only cases where this has not been done seem to be where the change or development in the law has been due to decision, not to statute. Thus the important case of *Re Rouse*, 94 Fed. Rep. 84, though cited in the second part, is not cited under § 125, where Judge Lowell discusses the question to which it relates. So *Re Scott*, 1 N. B. N. 161, and *Re Sapiro*, 92 Fed. Rep. 340, cited in the second part, are appropriate to the discussion in § 159 of the first part. Again, some matters which are discussed in the first part — for instance, many of the old acts of bankruptcy — are obsolete under the present act. It must, therefore, be conceded that the arrangement of the book is a little inconvenient, necessitating as it does an examination in two places to get a complete survey of any topic. But this inconvenience was unavoidable, as Judge Lowell died before the present act was passed. We think Mr. Lowell has pursued the best possible course in preparing his father's work for the press. That work is the work of a master, and should be given, as it has been without change. The bracketed notes of Mr. Lowell will in general prevent any misconception; a little care on the part of the reader will do so in any event.

Mr. Lowell's own share of the book, which is not small, including as it does many citations added in brackets to the notes of the first part, has been done with admirable thoroughness and great discrimination. It is pleasant to hope that he gained something of this in the Law School of which he is a recent graduate, — not all from inheritance. In completeness of treatment and fulness of citations, not only of the Federal decisions, which are in most text-books, but of the decisions of the English and State courts, which frequently are not, the book is unrivalled by any of the large crop of books on bankruptcy. The text of the four United States Bankruptcy Acts, which have been in force at various times, the General orders and Forms in Bankruptcy under the present act, and an excellent index, complete the book.

S. W.

THE CONSTITUTION OF THE UNITED STATES. A critical discussion of its genesis, development, and interpretation. By John Randolph Tucker. 2 vols. Chicago: Callaghan & Co. 1899. pp. xxxiii, 1015.

This treatise on constitutional law is of peculiar interest, because it gives a thoroughly learned and scholarly presentation of the views of a school radically different from the text-writers with whom we are most familiar; Story, for instance, and Cooley. The author was a Southerner, a Virginian; and his work makes plain that he breathed the same air as the Southern federalists of the old school, the Tuckers and the Randolphs. The federalist characteristics of the work are to be emphasized; but the historian sees, in occasional turns taken by the path of the reasoning, the influence of the pervasive doctrines of State rights.

A generally large view of the powers of the national government is constantly taken. The power of Congress to emit bills of credit, though nowhere expressly conferred, is found to be implied in the grant of power to borrow money. p. 514. And it is hardly fair to say that a narrower construction is used when the power to issue legal tender notes is doubted. p. 515. That doubt has been shared by men of great ability in all parts of the country. A suggestion, however, may be hinted at, that the argument against the legal tender notes — that they were prohibited